DAE
PTO/SB/64 (09-06)Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
AGERE 3.0-003

First named inventor: Peter Ledel Gammel

Application No: 09/651,696-Conf. #2486

Art Unit: 2879

Filed: August 30, 2000

Examiner: A. Patel

Title: ON-CHIP VACUUM TUBE DEVICE AND PROCESS FOR MAKING DEVICE

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of _____ (identify type of reply):

- ☐
- has been filed previously on _____
-
- ☐
- is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,400.00 .

- ☐
- has been paid previously on _____
-
- ☒
- is enclosed herewith.

Page 1 of 2

730023_1.DOC

02/13/2007 LWONDIH1 00000026 121095 09651696

01 FC:1453 1500.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Richard J. Botos
Signature

February 7, 2007
Date

Richard J. Botos
Typed or printed name

32,016
Registration Number, if applicable

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK,
LLP
600 South Avenue West
Westfield, New Jersey 07090
Address

(908) 654-5000
Telephone Number

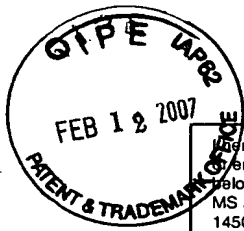
- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

Page 2 of 2

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petitioning Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 7, 2007

Signature: Richard J. Botos (Richard J. Botos)



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: February 7, 2007

Signature: Richard J. Botos

(Richard J. Botos)

Docket No.: AGERE 3.0-003
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gammel et al.

Allowed: October 5, 2006

Application No.: 09/651,696

Confirmation No.: 2486

Filed: August 30, 2000

Art Unit: 2879

For: ON-CHIP VACUUM TUBE DEVICE
AND PROCESS FOR MAKING
DEVICE

Examiner: A. Patel

**STATEMENT UNDER 37 CFR 1.137(B) FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant therefore petitions for revival of this application based on unintentional delay. A transmittal form for payment of the issue fee and authorization to charge the fee to our deposit account is submitted herewith. The petition fee in the amount of \$1500 and any additional fees due should be charged to Deposit Account No. 12-1095. In view of the documents submitted and statements made herein, it is respectfully requested that the present petition be granted and the application issue as a patent.

Dated: February 7, 2007

Respectfully submitted,

By Richard J. Botos

Richard J. Botos

Registration No.: 32,016
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant